

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2000

Application or Docket Number

09765246

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	30	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	30 minus 20=	10
INDEPENDENT CLAIMS	3 minus 3=	0
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

11/1/04

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	81	30	1
Independent	3	3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

9-27-05

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	31	31	
Independent	3	3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total			
Independent			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 - ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 - *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE		RATE	FEE
BASIC FEE	355.00	OR	BASIC FEE	710.00
X\$ 9=		OR	X\$18=	180.00
X40=		OR	X80=	
+135=		OR	+270=	
TOTAL		OR	TOTAL	890.00

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	18
X40=		OR	X80=	
+135=		OR	+270=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	18

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X40=		OR	X80=	
+135=		OR	+270=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X40=		OR	X80=	
+135=		OR	+270=	
TOTAL ADDIT. FEE		OR	TOTAL ADDIT. FEE	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Jonathan Lowthert et al.	§	Group Art Unit:	2611
		§		
Serial No.:	09/765,246	§	Examiner:	Matthew R. Demicco
		§		
Filed:	January 18, 2001	§	Confirmation No.:	8160
		§		
For:	Providing Content Interruptions	§	Atty. Dkt. No.:	BKA.0008US
		§		

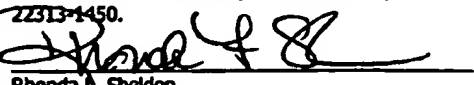
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Dear Sir:

Please consider the following claim amendments and remarks before issuing a first Office action on the merits.

Handwritten notes: "H 22" and "O 22 H" written vertically on the right margin.

Date of Deposit: <u>September 21, 2005</u>
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rhonda L. Sheldon

REMARKS

Provisional Double Patenting Rejection

The examiner provisionally rejected claims 1, 9-11, 18-19 and 21-22 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1, 9-11, and 19-22 of copending application 09/764,748. Although the applicant does not agree with the examiner's rejection, the applicant notes that, upon receipt of an indication of allowance of claims 1, 9-11, 18-19 and 21-22, a Terminal Disclaimer can be filed to overcome any sustainable double-patenting rejection.

Claim Rejections—35 U.S.C. § 102

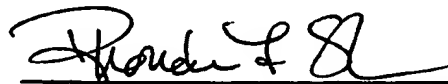
The examiner rejected claims 1-28 and 30-32 as being anticipated by Picco (US 6,029,045).

Amended claim 1 recites collecting information about a characteristic of at least one of the hardware and software that is present on the receiver. At a minimum, Picco fails to disclose this limitation. For example, the characteristics relied upon by the examiner all relate to user preferences and not the characteristics of the receiver proper such as the hardware and software components of the receiver. *See, e.g.*, column 6, lines 34-37; column 10, lines 58-62, and column 11, lines 9-13. For at least this reason, claim 1 and the claims dependent thereon are distinguished over Picco. Under a similar analysis, independent claims 11 and 21 and their respective dependent claims are also distinguished over Picco.

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (BKA.0008US)

Respectfully submitted,

Date: September 21, 2005



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